

Censorship of the Southern Mails

CENSORSHIP is an instrument by which a society protects its vital interests in times of danger. The liberal tradition of America emphasizes the necessity of reducing the exercise of this dangerous power to the minimum consistent with national safety. A valuable case history in revealing the operation of censorship is afforded by the experience of the ante-bellum South in imposing a rigid censorship on incoming mail from the Northern states. The Southern record demonstrates the difficulty of suppressing pernicious and dangerous propaganda without at the same time destroying the literature of reform, of protest, and of sanative criticism. The recognition of such a distinction is the very heart and core of the problem of censorship.

The freedom of the mails is inextricably connected with the broader freedom of the press. Calhoun pointed out this fact in a report to the Senate on February 4, 1836, opposing a federal censorship of the mails. "The object of publishing is circulation," said this great defender of minority rights; "and [for the federal government] to prohibit circulation is, in effect, to prohibit publication."¹ If the federal government should act as a censor of the mails, it would place a formidable power in the hands of the majority party that happened temporarily to be in control of the administration. Those who fight for the precious rights of the freedom of the press and of the mails are usually minority groups who wish to propagate ideas that are repugnant to the ruling class. Seldom are these advocates of toleration for themselves, however, imbued with the spirit of tolerance, nor do they have any genuine interest in the preservation of the freedom of the press and of the mails as a democratic principle. Rather, these agitators and reformers tend to become intolerant extremists, ill-balanced and wrongheaded, whom the majority of people heartily dislike. The Northern abolitionists of the decade 1830-40, for example, were a minority group disliked both in the North and the South. They believed that slavery was the number one moral and political problem of the nation, and not a purely Southern problem. Consequently they demanded the right to use the United States mails to protest against this crying evil. But this right of using the mails for transmitting their propaganda was opposed by another minority group within the nation, the Southerners who

¹ Gales and Seaton, eds., *Register of Debates in Congress*, 24 Cong., 1 sess., XII (Washington, 1836), Part 4, Appendix, 73.

contended that their safety was involved in the issue of the freedom of the mails. The fact that a virtual censorship of the mails crossing the Mason and Dixon line was established after 1835 indicates the ascendancy of the Southern group in federal politics during the ante-bellum period. Such a censorship could not be maintained without the acquiescence of the federal government.

In the summer of 1835 the Southern people became keenly aware of a new danger that threatened the tranquillity of their social system. A powerful, concerted effort of propaganda had been launched against the Southern way of life by the abolition societies of the North.² Both the American and the New England antislavery societies had resolved upon an aggressive campaign to distribute their publications in the South. It was not the object of these societies, so they declared, to distribute such abolitionist literature among slaves or free Negroes in the South. They hoped, rather, to revolutionize public opinion below the Mason and Dixon line by scattering their radical publications "unsparingly" throughout the land of Dixie.³ Accordingly, tons of antislavery pamphlets, magazines, and newspapers were sent through the mails to prominent Southerners—justices of the peace, ministers, editors, members of Congress, state officials—in other words, the leaders of public opinion.⁴

The impact of this deluge of fervid publications on the Southern mind produced a wave of excitement and of anger. In the summer of 1835 a mob of citizens, led by ex-Governor Robert Y. Hayne, entered the post office at Charleston, South Carolina, and destroyed several sacks of mail containing antislavery pamphlets.⁵ The federal government made no effort to arrest or prosecute those who thus violated the property and the laws of the United States. The postmaster at Richmond, Virginia, announced that a number of

² Propaganda is used in this paper, according to its original definition, as the literature of propagating certain beliefs or doctrines. It is used in a neutral sense, without the modern connotation of a deliberate distortion of the truth to attain an end, or the sinister concealment of authorship. There was a great variety in the abolitionists' publications, which ranged from rational discussion to lurid emotionalism, but a common denominator in most of this propaganda was a complete failure to understand the complexities of the problem of removing Southern slavery, especially the race problem involved, and the vast social and economic dislocations that would result from a sudden abolition of slavery.

³ *Fourth Annual Report of the Massachusetts Anti-Slavery Society* (Boston, Jan. 20, 1836), pp. 17-18; *Second Annual Report of the American Anti-Slavery Society* (New York, May, 1835), pp. 48-53.

⁴ The magnitude of this propaganda drive is shown by the fact that in a single year, May, 1836, to May, 1837, the American Anti-Slavery Society alone published 9,000 copies of *The Anti-Slavery Magazine*, 130,150 copies of *The Slave's Friend*, 103,000 copies of *The Anti-Slavery Record*, 189,400 copies of *Human Rights*, 217,000 copies of the *Emancipator*, as well as numerous bound volumes, tracts, pamphlets, and prints. Not all of this material crossed the Mason and Dixon line. *Fourth Annual Report of the American Anti-Slavery Society*, reprinted in *The Quarterly Anti-Slavery Magazine* (New York, July, 1837), p. 348.

⁵ Theodore D. Jervcy, *Robert Y. Hayne and His Times* (New York, 1909), pp. 379-81.

the newspapers and pamphlets of the abolitionists had been mailed to his office and that he had been requested by several gentlemen of respectability to stop their circulation.⁶ Postmaster Thomas Scott, of Raleigh, received at his office some of "the Northern fanatical publications" addressed to the most respectable citizens of the capital city. He sternly withheld them from circulation.⁷ The postmaster at Orange Court House, Virginia, reported that many incendiary papers had been sent to people who did not subscribe to them and who returned them with appropriate notes on them.⁸ At Greensborough, in the rich black belt of Alabama, the circulation of copies of the *Emancipator* caused passionate mobs to arise.⁹ The grand jury of Tuscaloosa County, Alabama, returned a true bill of indictment against Robert G. Williams, editor of the *Emancipator*, published at New York, for circulating within the state "pamphlets and papers of a seditious and incendiary character, and tending to gross misrepresentation, and illicit appeals to the passions of the slaves to excite them to insurrection and murder."¹⁰ Throughout the Southern states arose a movement to establish a *cordon sanitaire* against the invasion of inflammatory propaganda. Indeed, Southerners regarded the activities of the abolition societies and the antislavery press of the North somewhat in the same light as Austria prior to World War I viewed the propaganda of the Serbian societies in Bosnia-Herzegovina.¹¹

One of the most effective measures of safeguarding Southern society from subversive propaganda was the exercise of a censorship over the incoming mails. In 1836 the Virginia legislature passed a law requiring postmasters to notify justices of the peace whenever they received incendiary publications or publications "denying the right of masters to property in their slaves and inculcating the duty of resistance to such right." The justice of the peace should then inquire into the circumstances of the case, and if he were convinced that such writings were dangerous, he should have such books, pamphlets, and other publications burned in his presence and should arrest the addressee, if the latter subscribed for the said book or pamphlet with intent to aid the purposes of the abolitionists or antislavery societies.¹² This law gave

⁶ Richmond *Enquirer*, Aug. 25, 1835. ⁷ Raleigh *Standard*, Aug. 6, 1835.

⁸ Salem (N. C.), *The Farmer's Reporter and Rural Repository*, Aug. 15, 1835.

⁹ Henry Watson, jr., to Julius Reed, Aug. 23, 1835. Henry Watson, jr., MSS. (in Duke University Library).

¹⁰ Tuscaloosa (Ala.) *Flag of the Union*, Aug. 22, 1835.

¹¹ For evidence see Resolutions of the General Assembly on Incendiary Publications, *Acts of the General Assembly of the State of North Carolina, 1835-1836* (Raleigh, 1836), p. 120.

¹² *Acts of the General Assembly of the Commonwealth of Virginia, 1835-36* (Richmond, 1836), chap. 66, sec. 3. In South Carolina a somewhat similar law was passed in 1859, making it the duty of a postmaster to notify the magistrate of any person receiving abolition literature in the mail. H. M. Henry, *The Police Control of the Slave in South Carolina* (Emory, 1914), p. 162.

a single justice of the peace inquisitorial power over the mails and, by extension, a dictatorship over the kind of mental food his neighbors were permitted to enjoy. A Maryland act of 1841 commanded the grand juries to summon before them at every term of court all the postmasters in their respective counties and examine them as to whether they had received publications of an inflammatory character, "having a tendency to create discontent among and stir up to insurrection, the people of color of this State."¹³ These laws, which certainly interfered with the free transmission of the mails, never came before the Supreme Court to test their constitutionality and afford a striking example of the nonassertion of federal power.

Postmaster General Amos Kendall, who entered the cabinet of President Jackson from the slave state of Kentucky, was complaisant to Southern demands that abolition publications be excluded from the Southern mails.¹⁴ Although he admitted that he had no legal authority of censorship in this matter, he encouraged an unofficial exclusion of abolition literature from the Southern mails by individual postmasters. He adopted the Southern contention that the abolition publications were calculated to fill every family with black assassins and to repeat the horrors of Santo Domingo. He commended the postmaster of New York City for his efforts to persuade the abolition societies voluntarily to renounce sending their publications through the mails to Southern addresses and, upon their refusal of this request, his decision not to be an accomplice of "fanatics" in forwarding dangerous missiles to the South.¹⁵ In his report of December 1, 1835, he declared that the state laws against the circulation of incendiary publications should be obeyed by the officers of the general government. He also reported his action in regard to the Charleston mob, and he observed that his policy had prevented the circulation of "obnoxious" publications in the South.¹⁶

President Jackson approved thoroughly of the policy of his Postmaster General in regard to abolition publications. He wrote to Kendall: "we can do

¹³ *Session Laws of Maryland, 1841-42* (Annapolis, 1842), chap. 272, sec. 3. This law was modified the following year, so that grand juries were required to summon postmasters only when they deemed it necessary.

¹⁴ Kendall was born at Dunstable, Massachusetts, and was a graduate of Dartmouth College, but he had emigrated to Kentucky as a young man.

¹⁵ Amos Kendall to J. D. Townes of Petersburg, Va., Aug. 20, 1835, and to Samuel Gouverneur of New York City, Aug. 22, 1835. *Niles' Weekly Register*, XLIX, 7-9 (Sept. 5, 1835).

¹⁶ Report of the Postmaster General, Dec. 1, 1835, to the President of the United States. Blair and Rives, eds., *The Congressional Globe*, 24 Cong., 1 sess., II-III (Washington, 1836), Appendix, 8-9. In checking references the author discovers that apparently different libraries either bind or number early volumes of the *Congressional Globe* differently. The citations in this article are to the set in the library of Lafayette College. See *Checklist of United States Public Documents, 1789-1909*, I (Washington, 1911), 1466, for comment which applies presumably to the set in the Library of Congress.

nothing more than direct that those inflammatory [*sic*] papers be delivered to none but who will demand them as subscribers; and in every instance the Postmaster ought to take the names down, and have them exposed thro the publik [*sic*] journals as subscribers to this wicked plan of exciting the negroes to insurrection and to massacre." He declared that when such subscribers "are known, every moral and good citizen will unite to put them in coventry, and avoid their society. This, if adopted, would put their circulation down everywhere, for there are few so hardened in villainy, as to withstand the frowns of all good men."¹⁷

Jackson was a man of action, however, not content to let the matter rest with public opinion. In his message to Congress, December 7, 1835, he recommended that Congress pass a law to prohibit the circulation through the mails in the Southern states of "incendiary publications intended to instigate the slaves to insurrection."¹⁸ He pointed out that the invasion of these publications in the slave states had produced a great excitement, and that the federal post office, which had been established to promote friendly feelings between the states, was being used for an opposite purpose. This recommendation normally would have been referred by the Senate to the Post Office Committee, which was composed of a majority of members from the free states. But Calhoun managed to have a special committee chosen to consider the President's recommendation. Calhoun himself was appointed chairman of this select committee, in which slaveholders predominated.

The great Nullifier objected to Jackson's proposal of a *federal* law prohibiting the circulation through the mails of incendiary publications in the slave states. Instead he reported a bill making it illegal for any deputy postmaster knowingly to receive and put in the mail any pamphlet, newspaper, handbill, or other printed paper, or pictorial representation, touching the subject of slavery, directed to any person or post office in those states where the laws prohibited their circulation.¹⁹

In urging the adoption of this bill Calhoun drew a dark and alarming picture of the consequences of abolition agitation, and he predicted that this agitation would not only endanger the safety of the South but would also cause both sections to hate each other and thus bring about a destruction of the Union. It is clear that Calhoun was primarily concerned in stopping the anti-slavery agitation of the North, not because he had any great dread of servile insurrection, but because he feared it would eventually convert the North to

¹⁷ Jackson to Amos Kendall, Aug. 9, 1835. John Spencer Bassett, ed., *Correspondence of Andrew Jackson*, V (Washington, 1931), 360-61.

¹⁸ James D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789-1897* (Washington, 1896), III, 175-76.

¹⁹ *Cong. Globe*, 24 Cong., 1 sess., II-III, 165 (Feb. 4, 1836).

the antislavery cause and might disturb the loyalty of Southern non-slaveholders.²⁰ His report on the circulation of incendiary publications through the mails contained the grave warning to the rich and governing classes in the North that they had an important stake in preserving the *status quo* of capitalistic society, both above and below the Mason and Dixon line, from the corroding effect of subversive propaganda. "Let those who are interested remember," he said, "that labor is the only source of wealth, and how small a portion of it in all old and civilized countries, even the best governed, is left to those by whose labor wealth is created."²¹ Calhoun was a realist in bluntly stating that in all civilized communities one portion of the people lived on the labor of another, and his argument unmistakably suggested that the industrial capitalists of New England in their exploitation of white labor were not more righteous than "the cotton capitalists" in their exploitation of black slave labor.

The method which he advocated to stop the subversive agitation of the abolitionists was by state action. The Northern states, he demanded, should suppress their abolition presses. These fanatics were engaged in a moral and religious war against the South, the most violent and bitter of all wars. The law of nations, which prohibited campaigns of hostile propaganda against a peaceful and unoffending nation, applied to the relations between the sovereign states of the Union. Furthermore, the federal government should co-operate with the Southern states to help them enforce their own laws against the invasion of incendiary publications.²² He pointed to the recognition by the federal government of its obligation to observe state quarantine laws as an example of such co-operative procedure. In an able speech before the Senate, April 12, 1836, discussing the great constitutional issue involved in Jackson's proposal of a federal law controlling the transmission of incendiary publications through the mails, he pronounced it a step toward centralization that would invade the rights of the states. Such a law "would place in the hands of the General Government an instrument more potent to control the freedom of the press than the Sedition Law itself," for it would give to the federal government the right to decide what publications were incendiary and what were not and of enforcing the transmission of those deemed not incendiary.²³ Calhoun was opposed to federal censorship of the mails partly

²⁰ Gales and Seaton, *Register of Debates in Congress*, 24 Cong., 1 sess., XII, Part 4, Appendix, 76.

²¹ *Ibid.*

²² If Calhoun had lived to witness the prohibition era, he would have noted with grim satisfaction that the federal government accepted his principle and aided the dry states to enforce their prohibition laws.

²³ Richard K. Crallé, *Works of John C. Calhoun* (New York, 1888), II, 512-14.

because he foresaw the consequences that might befall Southern institutions once the antislavery forces obtained control of the national government.

Much of this excitement over the issue of incendiary publications was due to political motives. Calhoun had a deep-seated grudge against Jackson, the enemy who had thwarted his presidential ambitions and who had taken a resolute stand against nullification. Since Jackson's choice for President in 1836 was Martin Van Buren, Calhoun was eager to discredit this New Yorker in the South by attaching to him the stigma of being allied with the Northern abolitionists.²⁴ The Carolina leader saw an opportunity to unite the South by magnifying the importance of the abolitionists. Accordingly, his report on the bill to exclude abolition literature from the mails was definitely an alarmist document.²⁵ In private letters Calhoun revealed his desire to unite the South by agitating the slave question. To Armistead Burt he wrote: "We stand stronger than we ever did on the Slave question. The South is more united, and the nature of the question is better understood both north and South than it has ever been. But we must not relax. The abolitionists are numerous, zealous, and active."²⁶ Calhoun ignored the fact that the vast majority of Northern people at this period, even John Quincy Adams, did not approve of the abolitionists.²⁷

Loyal Southerners and pro-Jackson men like Senators King of Alabama, Cuthbert of Georgia, and Felix Grundy of Tennessee protested against Calhoun's making a party question out of the exclusion of incendiary publications from the mails.²⁸ Benton records a story showing Calhoun's partisan zeal against Van Buren. Calhoun and the anti-Jackson men brought about a tie vote on the engrossment of the bill concerning incendiary publications. Van Buren, the presiding officer of the Senate, happened to be absent from his chair temporarily when the vote was taken. But Calhoun called eagerly and loudly for his rival to cast the deciding vote.²⁹ The oily Albany politician, however, disappointed him by voting with the Southern senators. Subsequently, the bill was defeated by a vote of twenty-five to nineteen, in which

²⁴ Claude G. Bowers, *The Party Battles of the Jacksonian Period* (Boston, 1922), pp. 443-49.

²⁵ Francis Blair, friend of Jackson, and editor of the *Washington Globe*, pointed out the political nature of Calhoun's agitation of the slave question. W. E. Smith, *The Francis Preston Blair Family in Politics* (New York, 1933), I, 120.

²⁶ Calhoun to Armistead Burt, June 28, 1836. *Annual Report of the American Historical Association for the Year 1899* (Washington, 1900), II, 361.

²⁷ Professor Avery Craven maintains that Adams concealed the fact that he was a "thoroughgoing abolitionist" to further his designs of agitation, *The Coming of the Civil War* (New York, 1942), pp. 176-77. Later the abolitionists such as Weld and Birney converted great numbers of people in the Middle West to their cause.

²⁸ *Cong. Globe*, 24 Cong., 1 sess., II-III, 37, 353 (Dec. 21, 1835; Apr. 18, 1836).

²⁹ Thomas Hart Benton, *Thirty Years' View* (New York, 1854-56), I, 587.

seven Southern senators, including Henry Clay and Thomas Hart Benton, cast negative votes.³⁰

The political press of the South undoubtedly inflamed the Southern people on this issue of excluding abolition publications from the slave states. The powerful Richmond *Whig*, for example, accused Thomas Ritchie, editor of the Richmond *Enquirer*, of "keeping the peddle soft" when writing about the Northern "fanatics" because this politician-editor feared to injure the prospects of Van Buren by a bold stand against the abolitionists.³¹ The *Enquirer* later retorted by asserting that the Whigs were trying to create an abolition panic in order to defeat Van Buren. Mr. Vincent Witcher, said the wily Democratic editor, carried in his pocket the worst pamphlets of "the fanatics" and the most odious pictures that he could obtain from Gerrit Smith, Tappan, and Co. He exhibited them to the inhabitants of Pittsylvania County "by way of frightening his people into Whiggery, as if they were so many children."³²

In July, 1836, Congress passed a drastic law reorganizing the Post Office Department, which had recently been criticized by the enemies of Jackson for corruption and mismanagement.³³ One of these laws prohibited any postmaster, under severe penalty, from unlawfully detaining in his office any letter, package, pamphlet, or newspaper and refusing to deliver the same to the person to whom it was addressed.³⁴ Such legislation should have restored to the abolitionists the right to use the mails to send their literature into the slave states. But this law remained a dead letter so far as the Southern mails were concerned and was ignored with impunity during the ante-bellum period.

The Northern public did not arise to defend the freedom of the mails. No spectacular and prominent figure appeared to fight for the removal of the censorship of the mails until 1859, when Horace Greeley unsheathed his sword to attack "Post-Office Despotism."³⁵ One important reason for this neglect was that the attention of the Northern people was focused on the dramatic battle that William Slade and John Quincy Adams were making in Congress to secure the freedom of petition in regard to antislavery petitions. The abolitionists themselves realized that "the petition strategy" had far more

³⁰ *Cong. Globe*, 24 Cong., I sess., II-III, 539 (June 8, 1836).

³¹ Richmond *Whig*, July 24, 1835.

³² Richmond *Enquirer*, Apr. 1, 1836; see C. H. Ambler, *Thomas Ritchie: A Study in Virginia Politics* (Richmond, 1913), p. 166.

³³ See William Stickney, ed., *Autobiography of Amos Kendall* (Boston, 1872), chaps. XII-XIII.

³⁴ Laws of the United States of a Public Nature, No. 64, Sec. 32, Gales and Seaton, *Register of Debates in Congress*, XII, Part 4, Appendix xxxii.

³⁵ New York *Tribune*, Dec. 28, 1859.

popular appeal to American democratic instincts than the insistence on the right to use the Southern mails for their propaganda. They concentrated, therefore, on the fight against the Gag Rule in Congress until it was abandoned in 1842. Furthermore, the vast majority of Northern people at this period were indifferent to the violation of the freedom of the mails, because they lacked sympathy for the abolitionists, whose civil rights were being denied.³⁶

An exception to the general apathy of the North was shown by William Leggett, acting editor of the New York *Evening Post*, who vigorously condemned the indirect bureaucratic censorship of the mails by the postal department. He declared that neither the federal post office nor the general government itself possessed any power to prohibit the transportation by mail of abolition tracts, but that it was the duty of the government to protect abolitionists in their constitutional right of free discussion. Although he was opposed to the doctrines and practices of the abolitionists, he proclaimed that he was still more opposed to any infringement of their political or civil rights. "If the government once begins to discriminate as to what is orthodox and what heterodox in opinion, what is safe and what unsafe in tendency," he warned, "farewell, a long farewell to our freedom."³⁷ For this courageous criticism of Kendall's ruling on the transmission of the mails, the *Evening Post* was deprived of its government patronage. The advertisement for uncalled-for letters in the New York post office was transferred to a rival newspaper.³⁸

The ablest protest in the North against the violation of the freedom of the mails was a pamphlet published at Worcester, Massachusetts, in 1836 by "Cincinnatus." "Cincinnatus" was the pen name of William Plumer, a former governor and United States senator from New Hampshire. In this document, entitled "Freedom's Defence: or a Candid Examination of Mr. Calhoun's Report on the Freedom of the Press," Plumer sought to arouse the yeomanry and the laboring men of the North to defend the freedoms of the press and of the mails, which were threatened by Southern slaveholders. Calhoun's bill and his insidious report on the circulation of incendiary publications through the mails were represented by Plumer to be a menace to the democratic spirit of America. He pointed out that Calhoun would deny the freedom

³⁶ The editor of the Philadelphia *National Gazette*, for example, condemned both the Charleston mob for rifling the mails and also the abolitionists for attempting to circulate their publications in the slave states. He printed a long article declaring that the Postmaster General ought not to hesitate to take the responsibility of excluding the incendiary publications of the abolitionists from the mails. The *National Gazette*, Aug. 8, 22, 1836.

³⁷ Allan Nevins, *The Evening Post: A Century of Journalism* (New York, 1922), p. 148.

³⁸ J. M. Lee, *History of American Journalism* (Boston, 1917), p. 223.

of the press and the use of the mails for laboring men to protest against the exploitation of labor. At great length he refuted Calhoun's analysis of a community of interest between the capitalists of both sections, as well as a close analogy between the slaves of the South and "the operatives" of the North. Calhoun justified "grinding the faces of the laboring classes."³⁹ His proposed bill on the circulation of abolition publications was a dangerous attack on the liberty of the press and on free institutions, violating the bill of rights in the constitutions even of the Southern states and preventing the free play of truth to vanquish error.

After the excitement of the 1830's, the fear of a flood of abolition publications inundating the South subsided, not to be revived to any great extent until 1856, when a bitter political campaign agitated the Southern people. One reason for this decline of alarm over incendiary publications was the fact that the Northern abolition societies abandoned their campaign of sending propaganda to leading Southerners.⁴⁰ Furthermore, this emotional propaganda was prevented from circulating in the slave states by the action of mobs as well as the censorship of the Southern mails by postmasters. Occasionally some of the abolition publications managed to pass the blockade and reach their destination in the South. The editor of the Flemingsburg *Kentuckian*, for example, noted that about a dozen copies of the *Emancipator* had been sent to the citizens of his village, and that he had received a copy marked "Read, calmly reflect, and be convinced!"⁴¹ The editor of the *Hiwassee Patriot* at Madisonville, Tennessee, declared that he had seen copies of *Human Rights* circulating in his county, an abolitionist publication that should be committed to the flames, since it had "no other tendency than to corrupt and disaffect our slaves."⁴² In 1849 some abolition publications were sent to the post office at Pendleton, South Carolina, but a mob seized the mails and destroyed the offending abolition matter, a procedure which George Prentice, the influential editor of the Louisville *Journal*, strongly condemned.⁴³

Although the danger from obvious abolition publications thus decreased, Southerners detected a more subtle method of smuggling antislavery sentiments across the Potomac and Ohio rivers in religious magazines, in literary periodicals, and in the metropolitan newspapers of the North. Consequently a movement arose in the latter part of the ante-bellum period to boycott

³⁹ *Freedom's Defence: or a Candid Examination of Mr. Calhoun's Report on the Freedom of the Press, Made to the Senate of the United States, Feb. 4, 1836*, by Cincinnatus (Worcester, 1836), p. 14. A pamphlet loaned to the writer by the courtesy of Dwight L. Dumond.

⁴⁰ G. H. Barnes, *The Antislavery Impulse, 1830-1844* (New York, 1933), pp. 100-104.

⁴¹ *Flemingsburg Kentuckian*, Mar. 30, 1838.

⁴² *Hiwassee Patriot*, Feb. 26, 1839.

⁴³ *Louisville Daily Journal*, Oct. 4 and Oct. 11, 1849.

Northern magazines, such as *Harper's Magazine*, *Putnam's*, the *Saturday Evening Post*, and the *Atlantic Monthly*, that were unfavorable to Southern slavery.⁴⁴ In 1846 a motion was passed in the Virginia house of delegates ordering the Attorney General to investigate the question whether the Baltimore *Saturday Visitor* was an incendiary publication circulating in Virginia contrary to the law of 1836. It had printed a speech of Cassius Marcellus Clay of Kentucky, a gradual emancipationist.⁴⁵ Near the close of the ante-bellum period a mass meeting was held in Taylor County, Virginia, which passed the following resolution: "Resolved, That the five *Christian Advocates* published in the cities of New York, Pittsburgh, Cincinnati, St. Louis, and Chicago, having become abolition sheets of the rankest character, we ask our Commonwealth's attorneys and postmasters to examine them and if found to be of an unlawful character to deal with them and their agents as the laws of the State direct."⁴⁶ The New York *Tribune*, under the editorship of Horace Greeley, won a premier place as an incendiary publication to be banned from circulation in a Southern state. After the John Brown Raid, Postmaster R. H. Glass of Lynchburg, Virginia, informed the editor of the *Tribune* that he would not in the future deliver copies of this paper that came to his office. This decision was based on the following reason: "I believe them to be of that incendiary character which are forbidden circulation alike by the laws of the land and a proper regard for the safety of society."⁴⁷

The general policy of the federal Post Office Department toward the circulation of incendiary publications through the mails remained unchanged from the time of Amos Kendall to the outbreak of the Civil War.⁴⁸ One of the most important statements concerning this policy was issued by the Attorney General of Franklin Pierce, Caleb Cushing, a proslavery native of Massachusetts. In 1857 the postmaster of Yazoo City, Mississippi, refused to deliver a copy of the Cincinnati *Gazette* to a Mr. Patterson, alleging that it was an incendiary publication. When the Cincinnati *Gazette* protested this arbitrary interference with the free transmission of the mails, the Postmaster General requested that Cushing give a legal opinion on the issue. The latter

⁴⁴ Raleigh *Register*, Aug. 22, 25, 29, 1855; *Southern Literary Messenger*, XXV (Dec., 1857), 472; *De Bow's Review*, XXII (Jan., 1857), 100.

⁴⁵ Lexington (Ky.) *True American*, Feb. 18, 1846.

⁴⁶ Norfolk (Va.) *Southern Argus*, Mar. 19, 1858.

⁴⁷ Wheeling (Va.) *Intelligencer*, Dec. 13, 1859; *The Liberator*, Dec. 30, 1859; see also the New York *Tribune*, Nov. 17 and Dec. 17, 1859, for other instances.

⁴⁸ See Lindsay Rogers, *The Postal Power of Congress: A Study in Constitutional Expansion*, Johns Hopkins Studies in Historical and Political Science, Ser. XXXIV, No. 2 (Baltimore, 1916), pp. 140-43. The records of the Post Office for this period ("outgoing correspondence") which are preserved in the Historical Library of the Post Office Department are fragmentary and not available to the public for examination. No "incoming" correspondence of that period has been retained in the department.

ruled that a federal postmaster was not required to deliver mail which was designed or had the tendency to promote insurrection in a slave state. He admitted, however, that the postal authorities could not take final action in determining whether the subscriber had a right to receive the newspaper in question, or whether it violated the Mississippi law prohibiting any white person from circulating publications containing sentiments, doctrines, advice, or innuendoes, "calculated to produce a disorderly, dangerous, or rebellious disaffection among the colored population." The only lawful way ultimately to decide these questions, the Attorney General declared, was recourse to the courts of the state or of the federal district.⁴⁹

Two years later a similar policy of the virtual censorship of the Southern mails was sustained by Postmaster General Holt. This Southern cabinet officer held the typical point of view of his section, that the circulation of abolition publications in the slave states was like throwing firebrands into a powder magazine. In a letter to the postmaster at Falls Church, Virginia, who had written to ask whether he should obey the Virginia law relating to postmasters and incendiary mail, Holt made the following rule:

You must under the responsibilities resting upon you as an officer and as a citizen determine whether the books, pamphlets, newspapers, etc., received by you for distribution are of the incendiary character described in the statute, and if you believe they are, then you are not only not obliged to deliver them to those to whom they are addressed, but you are empowered and required by your duty to the State of which you are a citizen to dispose of them in strict conformity to the provisions of the law referred to.

The people of Virginia may not only forbid the introduction and dissemination of such documents within their borders, but if brought there in the mails, they may by appropriate legal proceeding have them destroyed.⁵⁰

The Assistant Postmaster General, however, took a more liberal position in regard to the censorship of the mails. The postmaster of a little Virginia village, Luney's Creek, wrote to the editor of the *Religious Telescope* of Dayton, Ohio, after the John Brown Raid, that he was no longer permitted to deliver the latter publication and would burn any copies that came into his custody. The Assistant Postmaster General repudiated this arbitrary ruling. He declared: "Because a single copy of any particular newspaper contains matter decided by the state authorities to be incendiary in character, it does not, therefore, follow that any subsequent numbers of the same paper are to be condemned for that cause. Each and every number of the paper must be

⁴⁹ United States Department of Justice, *Official Opinions of the Attorneys General of the United States Advising the President and Heads of Departments in Relation to Their Official Duties*, comp. by Caleb Cushing (Washington, 1858), VIII, Yazoo City Post Office Case, 489-502.

⁵⁰ *Congressional Record*, 53 Cong., 2 sess., Vol. XXVI, Part IX, Appendix, Part 1 (Washington, 1894), p. 4.

acted upon and disposed of separately.”⁵¹ Thus he stated one of the most important principles in American censorship.

After the abnormal excitement of the John Brown Raid, postmasters wrote from remote Virginia towns to Governor Wise to ascertain what action they must take in regard to delivering the New York *Tribune* and other papers of that character. The governor referred the matter to his Attorney General, John Randolph Tucker. The latter, in reply to the postmaster of a little town in Doddridge County, quoted the Virginia law requiring postmasters to notify a justice of the peace when they thought that incendiary publications came to their offices. The justice of the peace should determine whether the paper in question was incendiary, and if it were such, he should burn it and arrest the consignee if the latter was cognizant of the incendiary character of the publication. The Attorney General declared that this state law was entirely constitutional and did not, properly considered, conflict with the federal authority in the establishment of post offices and post roads. “This Federal power to transmit and carry mail matter, does not carry with it the power to publish and circulate,” he ruled. “With the transmission of the mail matter to the point of its reception the Federal power ceases.”⁵²

The Southern censorship of the mails during the last three decades before the Civil War could be justified only on the ground that the safety of the people is the supreme law. Undoubtedly a nation, and probably a regional society, has the right to protect itself against subversive propaganda. Southerners feared that, if abolition publications were allowed free circulation in the South, eventually these inflammatory writings would fall into the hands of some brooding Nat Turner or Denmark Vesey.⁵³ Many slaves in the South could read. Although the majority of Southern states had laws prohibiting the teaching of slaves to read and write, in Kentucky, Maryland, and Tennessee there were no legal impediments to slaves’ acquiring this knowledge. Even in those states which prohibited the teaching of the mystery of letters to the slaves, a considerable number of house servants were instructed by indulgent masters.⁵⁴ An examination of over 350 advertisements for fugitive Kentucky slaves by McDougale reveals the surprising fact that in seventy-one cases the masters mentioned the fact that the absconding Negro could read,

⁵¹ New York *Tribune*, Feb. 8, 1860.

⁵² Letter of J. R. Tucker, Richmond, Nov. 26, 1859, *Cong. Rec.*, as cited in n. 50 above. Also quoted in *The Liberator*, Dec. 23, 1859.

⁵³ Clement Eaton, *Freedom of Thought in the Old South* (Durham, 1940), pp. 119-21, and chap. iv, “The Fear of Servile Insurrection.”

⁵⁴ Carter Woodson, *The Education of the Negro Prior to 1861* (New York, 1915), p. 228; also Woodson’s *The Mind of the Negro as Reflected in Letters* (Washington, 1926) and *Life and Times of Frederick Douglass Written by Himself* (New York, 1941), chaps. x-xi.

which would seem to indicate that one fifth of the runaway slaves in the Upper South could read.⁵⁵

The fear of servile insurrection was only one element in the complex of motives that led to the Southern censorship of the mails. It is likely that "the cotton capitalists" viewed with uneasiness the circulation of abolition propaganda, comparable to the modern communist propaganda, that might disturb the minds of the white non-slaveholders and yeomen who were injured economically by the institution of slavery. The suppression of the circulation of Hinton Rowan Helper's *Impending Crisis*, which was addressed solely to the white non-slaveholders and not to the Negroes, whom he hated, indicated a fear among the ruling class of the South that a realistic discussion of slavery might set non-slaveholders against slaveholders. So strong, however, was the desire among the yeomanry and poor whites to keep the South a white man's country that there was little immediate danger of the development of a class struggle initiated by the dialectic of a free labor society.⁵⁶ Furthermore, the nature of the abolitionists' indictment, frequently out of line with reality and filled with the most violent vituperation of the whole of Southern civilization, was provocative of intolerance among all classes of society in the land of Dixie.⁵⁷ Southern public opinion became so inflamed over the abolitionist publications that even the most rational discussion of slavery was branded as "incendiary" and not permitted to circulate in the Southern states.⁵⁸ Thomas Ritchie, an influential leader in forming public opinion in the Upper South, who had been an avowed antislavery man at the time of the Virginia debate on emancipation in 1832, declared eight years later: "Certainly the fanatics at the North have taken the most effective means not to leave a single friend of emancipation in the Southern states."⁵⁹

The effectiveness of the Southern censorship depended partly on a remarkable unity of public sentiment within the South in regard to the abolition publications. But the co-operation of the federal postal authorities was also necessary in imposing a censorship of the mails. This co-operation was given by the administrations of Southern presidents and of Northern presi-

⁵⁵ I. E. McDougale, *Slavery in Kentucky, 1792-1865* (Lancaster, 1915), p. 79.

⁵⁶ Roger W. Shugg, *Origins of Class Struggle in Louisiana: A Social History of White Farmers and Laborers during Slavery and After, 1840-1875* (University, La., 1939), chaps. iv-v.

⁵⁷ This theme has been stated by F. L. Owsley in an essay, "The Irrepressible Conflict," in *I'll Take My Stand: The South and the Agrarian Tradition, by Twelve Southerners* (New York, 1930), and by Avery Craven in *The Repressible Conflict, 1830-1861* (University, La., 1939). For an objective point of view see H. H. Simms, "A Critical Analysis of Abolition Literature, 1830-1840," *Journal of Southern History*, VI (1940), 368-82.

⁵⁸ See Dwight L. Dumond's discussion of this subject in *Antislavery Origins of the Civil War in the United States* (Ann Arbor, 1939), chaps. II-IV. Professor Dumond shows also how bitterly persecuted the abolitionists were in the North during the decade 1830-40.

⁵⁹ *Richmond Enquirer*, Feb. 18, 1840.

dents with Southern sympathies. It indicated among the responsible leaders of the federal government that the Southerners had a good case in demanding the exclusion of antislavery propaganda from the Southern mails. Since it was difficult to draw the line between incendiary publications and lawful literature of reform and criticism, the postal authorities took the path of least resistance and made no attempt to discriminate between the two types of propaganda. Consequently the radicals of the North found that they were denied the use of the federal mails in forwarding their publications across the frontier of the land of Dixie. When the election of Lincoln transferred the executive branch of the federal government from Southern to Northern control, Southerners feared that a hostile Postmaster General would be appointed who would try to enforce a free transmission of abolition publications through the mails and thus destroy the "dike of silence."⁶⁰

The continuity of censorship by the postal department was illustrated by the suppression of socialist and communist propaganda during World War I and during "the big red scare" of the 1920's. In this relatively modern case intolerance was a defense mechanism against a danger, the Bolshevik menace, which was greatly exaggerated in the popular mind. Censorship in war-time belongs to a different category from censorship in peacetime, but the habit of regulating expression of opinion during a national emergency is likely to carry over into normal times. In President Wilson's cabinet the Attorney General and the Postmaster General were responsive to the intolerant atmosphere of the period. Postmaster General Burleson exercised a despotic and unjustifiable censorship, practically denying the use of the mails to certain radical publications. In the Milwaukee *Leader* Case, March 7, 1921, the Supreme Court upheld this arbitrary and unenlightened use of the power of censorship by the postal department.⁶¹ Although sixty years had intervened since the censorship of the Buchanan administration, no marked progress was discernible in the *practice* of tolerance in the United States of the 1920's. Individuals such as Judge Learned Hand, Justice Oliver Wendell Holmes, and Professor Zechariah Chafee had made notable contributions to the *theory* of toleration, but they were dissenting voices in the postwar world. Ordinary human nature seemed to be incapable of practicing tolerance, save in unessential or indifferent matters.

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⁶⁰ Carl Russell Fish, *The American Civil War* (London, 1937), pp. 44-45.

⁶¹ Zechariah Chafee, jr., *Free Speech in the United States* (Cambridge, 1941), pp. 42-51, 98-99, 298-305; J. R. Mock, *Censorship, 1917* (Princeton, 1941), pp. 148-52, 230-31; F. L. Mott, *American Journalism* (New York, 1941), pp. 605, 623-25.